

1 LYSSA S. ANDERSON
Nevada Bar No. 5781
2 RYAN W. DANIELS
Nevada Bar No. 13094
3 KAEMPFER CROWELL
1980 Festival Plaza Drive, Suite 650
4 Las Vegas, Nevada 89135
Telephone: (702) 792-7000
5 Fax: (702) 796-7181
landerson@kcnvlaw.com
6 rdaniels@kcnvlaw.com

7 *Attorneys for Defendants*
Las Vegas Metropolitan Police Department,
8 *Fred Merrick, and Lora Cody*

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 KEYHERRA GREEN ,
13 Plaintiff,
14 vs.

15 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; FRED MERRICK; LORA
16 CODY; and DOES 1-10, inclusive,
Defendants.

Case No. 2:20-cv-00769-KJD-DJA

**STIPULATION TO EXTEND
DISPOSITIVE MOTION DEADLINE
(Third Request)**

17
18 Las Vegas Metropolitan Police Department, Fred Merrick and Lora Cody (“LVMPD
19 Defendants”), and Plaintiff, Keyherra Green (“Plaintiff”) by and through their respective counsel,
20 hereby stipulate, agree, and request that this Court extend the dispositive motion deadline from the
21 current date of March 6, 2023 for ninety (30) days, until **June 5, 2023** as the Court has not yet ruled
22 on the LVMPD Defendants’ Motion to Dismiss Third Amended Complaint, [ECF No. 78] which the
23 pending Motion to Dismiss would be dispositive of the case.

24 ///

I. DISCOVERY COMPLETED TO DATE

The parties have completed all discovery in this matter and discovery closed on August 4, 2022, [ECF No. 87].

II. DISCOVERY YET TO BE COMPLETED

Discovery is complete. The parties are requesting an extension of the current dispositive motion deadline only.

III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties are seeking an additional ninety (90) day extension of the current dispositive motion deadline. As more particularly explained in the parties' previous two requests to extend the dispositive motion deadline, following the Court's ruling on a Motion for Judgement on the Pleadings filed by the LVMPD Defendants, [ECF No. 54], Plaintiff filed her Third Amended Complaint. [ECF No. 74]. LVMPD filed a Motion to Dismiss which Plaintiff has responded to and LVMPD filed its reply. [ECF Nos. 78, 84 and 85]. The Motion to Dismiss is fully briefed and pending, and the Court has not yet ruled on it. The parties need to know the outcome of the pending Motion to Dismiss before preparing dispositive motions. Moreover, the pending Motion to Dismiss, if granted, would be dispositive of the case; or, Plaintiff could be given leave by the Court again to amend the complaint.

PROPOSED EXTENDED DEADLINES

The parties respectfully request this Court enter an order as follows:

(A) Discovery Deadline.

The parties are not seeking an extension of this deadline.

(B) Experts and Rebuttal Experts.

The parties are not seeking an extension of this deadline.

///

1 **(C) Dispositive Motions.**

2 All pretrial motions, including but not limited to, discovery motions, motions to dismiss,
3 motions for summary judgment, and all other dispositive motions shall be filed and served **June**
4 **5, 2023.**

5 **(D) Motions in Limine/*Daubert* Motions.**

6 Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and
7 served 30 days prior to the commencement of Trial. Oppositions shall be filed and served and the
8 motion submitted for decision 14 days thereafter. Reply briefs will be allowed only with leave of
9 the Court.

10 **(E) Pretrial Order.**

11 The parties are not currently seeking an extension of this deadline. Pursuant to LR
12 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later than thirty (30) days after
13 the date set for filing dispositive motions, or by **July 5, 2023**, unless dispositive motions are filed,
14 in which case the date for filing the Joint Pretrial Order shall be suspended until 30 days after the
15 decision on the dispositive motions or further order of this Court. The disclosures required by Fed.
16 R. Civ. P. 26(a)(3) and any objections shall be included in the final pretrial order.

17 **(F) Extensions or Modification of the Discovery Plan and Scheduling Order.**

18 In accordance with LR 26-4, applications to extend any date set by the discovery plan,
19 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
20 supported by a showing of good cause for the extension. All motions or stipulations to extend a
21 deadline set forth in a discovery plan shall be received by the Court not later than 21 days before
22 the expiration of the subject deadline. A request made after the expiration of the subject deadline
23 shall not be granted unless the movant demonstrates that the failure to set was the result of
24

excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall include:

- (a) A statement specifying the discovery completed;
- (b) A specific description of the discovery that remains to be completed;
- (c) The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and
- (d) A proposed schedule for completing all discovery.

This request for an extension is made in good faith and joined by all the parties in this case. The Request is timely. Trial is not yet set in this matter and dispositive motions have not yet been filed. Accordingly, this extension will not delay this case. Moreover, since this request is a joint request, neither party will be prejudiced. The extension will allow time for the Court to rule on the pending Motion to Dismiss prior to the parties filing dispositive motions.

DATED this 13th day of February, 2023.

KAEMPFER CROWELL

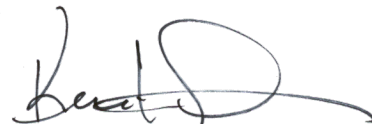
PETER GOLDSTEIN LAW CORP

By: /s/ Lyssa S. Anderson
 LYSSA S. ANDERSON
 Nevada Bar No. 5781
 RYAN W. DANIELS
 Nevada Bar No. 13094
 1980 Festival Plaza Drive
 Suite 650
 Las Vegas, Nevada 89135
***Attorneys for Defendant
 Las Vegas Metropolitan Police
 Department, Fred Merrick, and
 Lora Cody***

By: /s/ Peter Goldstein
 Peter Goldstein
 Nevada Bar No. 6992
 10161 Park Run Dr., Ste. 150
 Las Vegas, NV 89145
 - and -
 MALCOM P. LAVERGNE & ASSOC.
 Malcom P. LaVergne
 Nevada Bar No. 10121
 400 S. Fourth St.
 Las Vegas, NV 89101
Attorneys for Plaintiff

IT IS SO ORDERED.

DATED this 24th day of March, 2023.



UNITED STATES DISTRICT COURT JUDGE